

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KALO FAMILY INVESTMENT
CO. IV, LLC, a Michigan limited liability
company,

Hon.
Case No.

Plaintiff,

v.

Oakland County Circuit Court
Honorable Nanci J. Grant
Case No. 2022-197350-CE

CHARTER TOWNSHIP OF WEST
BLOOMFIELD, WEST BLOOMFIELD
ENVIRONMENTAL COMMISSION, and
JOHN RODA,

Defendants.

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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Charter Township of West Bloomfield, West Bloomfield Environmental Commission, and John Roda (“Defendants”), through their counsel, Cummings McClorey Davis & Acho PLC,

give this Notice of Removal to the United States District Court for the Eastern District of Michigan and, in support thereof, state as follows:

1. On November 18, 2022, a lawsuit was commenced in the Circuit Court for the County of Oakland, State of Michigan, bearing Case No. 2022-197350-CE, in which the Kalo Family Investment Co. IV LLC was named as Plaintiff and Charter Township of West Bloomfield, West Bloomfield Environmental Commission, and John Roda were named as Defendants (the “State Court Action”). Count I seeks a Declaratory Judgment that Defendants’ actions were unconstitutional, namely by allegedly depriving Plaintiff of its procedural due process rights under the 14th Amendment of the United States Constitution. Count II is for “Monetary Damages and Injunctive Relief,” and Count III is for “Tortious Interference.”

2. Because Count I of the Complaint alleges violations of federal constitutional rights, the State Court Action is one which may be removed pursuant to 28 U.S.C. § 1441 as a civil action of which district courts have original jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction) and pursuant to 28 U.S.C. § 1443 (civil rights cases).

3. The Court has supplemental jurisdiction over Plaintiff’s state law claims (Counts II and III). These claims do not raise novel or complex issues of state law and do not predominate over Plaintiff’s federal law claim. 28 U.S.C. § 1367. There are no compelling reasons to decline supplemental jurisdiction over Plaintiff’s

state law claims. Defendants respectfully request that this Court retain jurisdiction over Plaintiff's state law claims, so that Defendants will not incur the unnecessary expense and administrative burden of litigating simultaneously in two different judicial forums parallel legal claims that arise out of the same nucleus of operative facts.

4. Pursuant to 28 U.S.C. § 1446(b), this Notice is timely, having been filed with this Court within thirty (30) days after receipt by Defendants of a pleading from which it may first be ascertained that the case is one which is or has become removable.

5. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of the Notice will be sent to the Clerk of the Circuit Court of Oakland County, Michigan for filing.

6. Pursuant to 28 U.S.C. § 1446(a), attached as required by the Court are a copy of all other process, pleadings, and orders served by or upon Defendants in the State Court Action. **(Exhibit A)**.

WHEREFORE, Defendants give Notice of Removal of State Court Action to the United States District Court for the Eastern District of Michigan, Southern Division, and requests all future proceedings to be held in this Court.

Respectfully submitted,

Cummings, McClorey, Davis & Acho, PLC

By: /s/ Kevin J. Campbell

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Dated: December 22, 2022

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2022, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record. I also certify that I have mailed the foregoing document by United States Postal Service to the following:

Lawrence P. Swistak, Esq.
Daniel Landman, Esq.
Corey Grandmaison, Esq.
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